

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, MARCH 1, 2005.

**Board Members Present:** John F. Coates, Chairman  
Steven E. Nixon, Vice-Chairman  
William C. Chase, Jr.  
Sue D. Hansohn  
James C. Lee  
Brad C. Rosenberger  
Steven L. Walker

**Staff Present:** Frank T. Bossio, County Administrator  
J. David Maddox, County Attorney  
Valerie H. Lamb, Finance Director  
John C. Egertson, Planning Director  
Paul Howard, Director of Environmental Services  
Peggy S. Crane, Deputy Clerk

**CALL TO ORDER**

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

**INVOCATION**

Rev. John Miller, Pastor of Alum Spring Baptist Church, presented the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mrs. Hansohn led the members of the Board and the audience in the Pledge of Allegiance to the Flag.

**RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS**

Mr. Frank Bossio, County Administrator, asked that the following changes be made to the agenda:

Under **APPROVAL OF MINUTES**, correct the minutes of the February 1, 2005 evening meeting, under **CITIZEN FORUM**, by changing the word "Centrex" to "Centex" (page 1, third line, seventh word).

Under **GENERAL COUNTY BUSINESS**, delete **SPECIAL PRESENTATION TO SHERIFF'S OFFICE**.

Under **CLOSED SESSION**, move (D) Potential nominees for "Culpeper Colonel" from item #1 to item #2 to read: Under *Virginia Code* § 2.2-3711(A)(10), for consideration of potential nominees for the "Culpeper Colonel" award; and add (D) and (E) to item #1: (D) To discuss with Staff and County Attorney the evaluation of performance of a specific

department of the County, where such evaluation will necessarily involve discussion of the performance of specific individuals; and (E) To discuss with Staff and County Attorney the evaluation of performance of specific employees of the County, where such evaluation will necessarily involve discussion of the performance of specific individuals.

Under **CLOSED SESSION**, add item 3. Under Virginia Code §2.2-3711(A)(7), for consultation with legal counsel and Staff pertaining to actual litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the County.

Mr. Nixon moved, seconded by Mr. Lee, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

### **APPROVAL OF MINUTES**

The minutes of the February 1, 2005 regular meetings were presented for consideration.

Mr. Walker moved, seconded by Mr. Nixon, to approve the minutes as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Abstention - Lee

Motion carried 6 to 0.

Mr. Lee abstained from voting since he was absent from the February 1 evening session.

### **CONSENT AGENDA**

Mr. Bossio reviewed the following Consent Agenda items with the Board:

a. The Board will consider approving a budget amendment for the Sheriff's Office for a donation received in the amount of \$25,000.00 from the Virginia Sheriff's Institute. The funds will be used to assist in funding the Citizens Police Academy.

b. The Board will consider approving budget amendments for the Department of Human Services for additional funds in the areas of Title IV-E Administration (\$200,000.00); TANF (\$100,000.00); General Relief (\$6,000.00); View Day Care (\$131,849.57); Non-View Day Care (\$1,499.05); and a reduction in Head Start appropriation in the amount of \$71,281.00. Total budget amendments are \$457,062.62, which \$115,000 were estimated

to be local dollars due to changes in the Title IV-E law that now require the Department of Human Services to take up the slack in otherwise State-funded dollars.

c. The Board will consider approving acceptance of and appropriation of a grant for the Options Program received from St. Stephen's Episcopal Church in the amount of \$2,800.00.

d. The Board will consider approving a request to accept a grant from the Department of Aviation to upgrade the Automated Weather Observation System at the Airport. The upgrade will cost \$18,379.20. State grant amount is \$15,000.00 and \$3,379.20 will come from the Airport's operating budget.

e. The Board will consider approving a request from the Department of Parks & Recreation to partner with the Town of Culpeper for a multi-jurisdictional Virginia Recreational Trails Fund Grant. The Town grant request will be in the amount of \$94,500.00 and the Town guarantees it will provide up to \$18,900.00 (20%) of the total cost. County's share can be \$2,000.00, depending approval of the grant, with the County's share to come from the Parks & Recreation Department budget.

f. The Board will consider approving a grant application for the Sheriff's Office from the U.S. Department of Justice for a Bulletproof Vest Partnership Program Grant in the amount of \$18,756.00. Local match required is \$9,378 to come from donations received by the Sheriff's Office, as well as funds received from the Forfeited Asset Sharing Program;

g. The Board will consider approving a grant application for the Sheriff's Office from the Division of Motor Vehicles in the amount of \$84,400.00. This grant funding will be used for overtime traffic enforcement and related equipment. Local match required is \$31,320.00 from the Sheriff's Operating budget.

h. The Board will consider approving a grant application for the Sheriff's Office from the Virginia Tobacco Settlement Foundation in the amount of \$54,760.00. Local match required is \$9,924.00.

i. The Board will consider approving a grant application for the Sheriff's Office from the Department of Criminal Justice Services for the continuation of School Resource Officer Program at Binns Middle School. Federal funding request is \$38,493.00 with a local match of \$12,831.04.

j. The Board will consider authorizing a public hearing for the April Board meeting for Dominion Virginia Power to install power to the Localizer Building at the Airport.

Mr. Nixon moved, seconded by Mr. Walker, to approve the Consent Agenda with the showing the correct figure in item b. for TANF as \$188,995.00. He noted that Mr. Bossio read the amount of \$100,000.00 in error.

Mr. Chase inquired regarding the location of the trails referenced in item e. Mr. John Barrett, Parks & Recreation Director, replied the trails would be located in Mountain Run Lake Park.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

### **GENERAL COUNTY BUSINESS**

### **~~SPECIAL PRESENTATION TO SHERIFF'S OFFICE (DELETED)~~**

Mr. Coates announced Mr. Ernie O'Boyle, Department of Criminal Justice Services, was unable to be present due to the weather, and the presentation would be made next month.

### **INTRODUCTION OF NEW EMPLOYEES**

Ms. Linda Murphy, Extension Office, introduced Sharon Rogers, Unit Support Staff, and Keith Dickeson, Farm Business Management, and provided information on their education and experience. Mr. Coates welcomed both Ms. Rogers and Mr. Dickeson to the County staff.

### **PRESENTATION BY THE FRIENDS OF CEDAR MOUNTAIN BATTLEFIELD**

Mr. Coates announced that Mr. Charles Crist and Mrs. Virginia Morton were present to make a presentation on The Friends of Cedar Mountain Battlefield (FCMB).

Mr. Crist, a member of the FCMB Board of Directors, stated that Mr. Kurt Johnson, President of the Board, was unable to be present due to the weather conditions. He complimented the Planning Commission and County Planning staff for their work in addressing Culpeper's historic resources in the 2005 draft of the Comprehensive Plan, particularly the historic preservation policies advocated for significant areas of the Cedar Mountain Battlefield.

Mr. Crist reviewed information contained in packets previously provided to the Board containing the organization's mission, accomplishments, and plans and vision for the future. He described the Civil War Battle of Cedar Mountain and the significance of preserving the Battlefield's 1,400 acres, all of which were privately owned except for 152 acres purchased

by the Civil War Preservation Trust. He stated that the FCMB was dedicated to working cooperatively with local landowners and citizens to protect and promote public awareness of the Battlefield. He discussed steps the FCMB had taken to restore the property's historical landscape, and the future plans for the park. He stressed the importance of the Battlefield to economic development in the County and asked for the Board's support for the organization's work. He invited members of the Board to visit the Battlefield and take a walking tour.

Mr. Chase asked whether Cedar Mountain was still owned by the Inskeep family. Mr. Crist stated that it was and indicated the specific location of the Battlefield and other aspects of the property.

Mr. Walker inquired regarding the type of support Mr. Crist was seeking from the Board. Mr. Crist replied that his primary goal was to make the Board aware of the organization's existence and to seek its moral support.

Mrs. Morton invited Board members to participate in "An Evening with A.P. Hill", to be held Friday, April 1, at the antebellum Hazel River Inn Armory. She stated that Patrick Falci, a performing historian, would be portraying A. P. Hill and greeting the Major's friends. She also invited the Board to join her on April 2 for a walking tour of the preserved portion of the Battlefield. She explained that heritage tourism was the fastest growing industry in the United States, and the County should work now to tap this enormous market.

Mr. Lee asked whether there was a way to take advantage of the 2007 Jamestown Celebration activities. Mrs. Morton replied that the Tourism Office was working with the Virginia Office of Tourism on that event, and she believed there would be a tremendous opportunity.

Mr. Coates thanked Mr. Crist and Mrs. Morton for their presentations.

#### **UPDATE ON SCHOOL CONSTRUCTION PROJECTS**

Mr. Bossio informed the Board that the school construction briefing would be held in two parts: (1) the funding issue that was to be presented to the School Oversight Committee (SOC), but was postponed due to weather conditions; and (2) the SHW study. He asked for permission to postpone the second presentation until 4:00 p.m., which was the earliest the SHW Group could be present.

Mr. Coates asked whether there were any objections to delaying the SHW briefing until later in the afternoon. There were no objections.

Mr. Bossio explained that the SOC had asked for financial projections of the costs involved with the new High School and other items ancillary to the new school construction project and to determine the optimal approach and timing of the funding for the whole process. He said that Davenport and Company had been asked to: (1) Determine the optimal approach and timing of funding; (2) ascertain the "Tax Equivalent Impact" and mitigation approaches; (3) look at the cost of the High School, including construction costs, Architects fees and soft costs; (4) analyze the impact of an additional \$50 million of known projects to be done several years in the future; and (5) analyze/determine the immediate and long-term impact of funding on the fiscal integrity of the County.

Mr. Bossio reported that the funding breakout indicated it would take \$2.3 million to finance the "Classroom Building in the Middle", \$42 million for the base cost of a new high school, \$2 million for offsite improvements, such as water/sewer and roads, \$2 million for future property needs, and \$11 million for non-construction costs, with some plus/minus costs, totaled an estimated \$64.6 million. He reviewed the cost/benefit analysis, the cost of the funds based on various key assumptions, and explained each graph and chart in detail. He stated that the tax equivalent impact of funding \$65 million for 25 years would result in an approximate 13-cent increase in taxes solely for the capital project and did not include 10 percent growth or the Capital Projects Fund; a 10-cent increase using the Capital Projects Fund, but not using 10 percent growth; or 11-cent increase using 10 percent growth and not using the Capital Projects Fund. He stated that the tax equivalent impact of funding the entire \$115 million for 25 years would result in an 18-cent tax increase with no Capital Projects Fund and not including 10 percent growth; 15-cent tax increase using Capital Projects Fund but not the 10 percent growth; or 16-cent tax increase using the 10 percent growth but no Capital Projects Funds.

Mr. Bossio also reviewed in detail the impact on existing and proposed debt policies. He explained the data and chart on debt versus total assessed value, debt service to total expenditures, and debt versus total personal income.

Mr. Bossio providing the following summary:

! If interest rates do not increase above .27 percent, it may be more practical to finance an initial \$65 million in July 2005;

! The use of two-year interest only and increase amortization from 20 to 25 years for initial \$65 million to address the High School only with the assumption that the “Classroom Building in the Middle” had been completed;

! Additional debt service would not be advisable until 2011-2012, unless additional future debt management would begin to occur beginning in FY 2006-2007; and

! No operational costs of any schools were included in the analyses.

Mr. Chase inquired about funding for the “Classroom Building in the Middle”. Mr. Bossio replied the intent was to pay part in cash and part in bank-qualified financing this year. He said if bank-qualified loans were not used now, the funds would have to be borrowed long term.

Mrs. Hansohn and Mr. Bossio discussed the use of the \$3.5 million in the Capital Projects Fund. Mrs. Hansohn felt it was important to continue to add to that fund in order to reduce future tax increases. Mr. Bossio agreed and stated that it had not been determined at what point it could be used to make a difference in the tax rate.

Mrs. Hansohn asked whether operational costs for the new school had been calculated. Mr. Bossio replied that the School Board was working on that figure, but he estimated it would be approximately \$8.5 million, with 50 to 60 percent of that being State funds. Dr. David Cox, Superintendent of Schools, was in the audience and he did not disagree with Mr. Bossio's estimate.

Mr. Walker indicated that if the Capital Projects Fund were going to be increased, additional information would be needed prior to the upcoming budget process. Mr. Bossio agreed to ask Davenport to develop some sensitivity analyses for this purpose.

Mr. Walker noted that the key assumptions had been based on a 7 percent growth increase. Mr. Bossio explained that real growth in the County was measured based on the Commissioner of the Revenue's records and that figure was used in anticipation that growth would continue over the next three to four years.

Mr. Walker asked about the arbitrage laws and the benefit to be gained in regard to borrowing the \$65 million in July. Mr. Bossio replied he did not have an answer, but he would discuss that further with Davenport.

Mr. Nixon pointed out that every \$1 million added to the Capital Projects Fund would be equivalent to three cents on the tax rate based on today's value, but the \$1 million had to come from somewhere, presumably from taxes. Mr. Bossio agreed.

Mr. Nixon questioned the estimate of \$4 million for operational expenses. Mr. Bossio assured him that \$4 million in local funds was not unreasonable for a high school of that size.

Mr. Nixon asked whether the financing would be at a variable interest rate. Mr. Bossio informed him that the interest would be a fixed rate for the entire term and it was important to note that the interest rate was at an all-time low.

Mr. Walker noted that the \$65 million funding was only for school projects, and the County had other needs, such as a new jail. Mr. Bossio stated that was the reason for the \$50 million for future school projects and some other needs in the CIP. Mr. Walker stated that was why the Board of Supervisors had the forethought to create the Capital Projects Fund several years ago.

Mrs. Hansohn asked whether the General Assembly had considered any funds for school construction projects. Mr. Bossio stated he was not aware of any action, but he noted that in previous years discussions had centered on the State providing construction funds and the localities funding operational costs through real estate taxes.

Mr. Coates recessed the meeting at 11:05 a.m.

Mr. Coates called the meeting back to order at 11:23 p.m.

#### **TRANSFER OF REVENUE SHARING FUNDS**

Mr. John Egertson, Planning Director, informed the Board that Mr. Donald Gore, VDOT Resident Engineer, had provided information on a number of revenue sharing projects which had been completed, but had remaining balances.

Mr. Egertson stated that the completed secondary projects were Route 799 (McDevitt) with a positive balance of \$321,890; Route 619 in Rixeyville with a positive balance of \$50,962; Route 626 carried a deficit of \$164,068; and Route 694, Ira Hoffman Lane, carried a deficit of \$155,859, resulting in an overall positive balance of \$52,925. He suggested these funds be transferred to the Route 522/Route 729 Connector.

Mr. Egertson stated the only old primary road project was the turn-lane project on Route 522 to access Route 638, which had a positive balance of \$125,781. He suggested that amount be transferred to the Route 229/Route 685 intersection improvement project scheduled to begin in the spring. He said that Mr. Gore was confident that project would need additional funding based on the latest estimates.

Mr. Egertson recommended that the Board authorize the County Administrator to



sign a letter to VDOT requesting that all of these funds be transferred as outlined.

Mr. Walker thanked Mr. Gore for his efforts in ensuring that these funds could be utilized for future projects.

Mr. Walker moved, seconded by Mrs. Hansohn, to authorize the County Administrator to sign a letter to VDOT requesting that the transfer of revenue sharing fund balances be made as indicated.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

### **NEW BUSINESS**

#### **FUNDING FOR GANG AWARENESS**

Mr. Bossio asked for the Board's approval of a joint letter from the Board of Supervisors, School Board, and Town of Culpeper to Congressman Eric Cantor requesting funding to fight emerging gang-related issues.

Mr. Nixon informed the Board that at an Interaction Committee meeting, both the Town and County agreed there should be a group established to discuss gang impacts and awareness within the County. He said he and Tom Huggard had been meeting, together with Elizabeth Hutchins, the Sheriff, and the Chief of Police. He explained there were Federal grant funds available to assist localities in dealing with potential gang activity, and the proposed letter was an endeavor to obtain some of these funds.

Mr. Lee stated it was appropriate that the Board take a proactive stance in pursuing these funds and thanked Mr. Nixon for his participation in this effort.

Mr. Lee moved, seconded by Mr. Nixon, to approve sending a letter to Congressman Cantor requesting grant funding for gang awareness activities.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

### **COMMITTEE REPORTS**

#### **BUILDINGS & GROUNDS COMMITTEE REPORT - FEBRUARY 8, 2005**

Mr. Lee reported that the Buildings & Grounds Committee met on February 8. He asked Mr. Paul Howard, Environmental Services Director, to report on the discussion regarding space needs for the Commissioner of the Revenue Assessment Office.

Mr. Howard informed the Board that the Buildings & Grounds Committee recommended was that the six assessors be temporarily housed in the Disaster Preparedness Room at the Emergency Operations Center, which should be available in mid-April. He noted that the assessors would be moved from the EOC to the Town Hall, as soon as renovations were completed.

Mr. Lee asked how much space would be required for the assessors in the Town Hall. Mr. Howard replied that the assessors would utilize 2000 square feet, two-thirds of the total 3000 square feet available on the first floor. Mr. Lee explained that after looking at a number of sites, it was determined that the Town Hall was the most feasible place with handicapped accessibility and proximity to the Courthouse.

Mr. Lee moved, seconded by Mr. Walker, to accept the recommendation of the Buildings & Grounds Committee to house the assessors in the Emergency Operations Center on a temporary basis, contingent upon availability, until the former Town Hall renovations were completed.

Mr. Lee checked the timing with Mrs. Yowell, and she said the date would be agreeable.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Lee reported that the Building & Grounds Committee considered a request from the School System to waive the building fees for the new "Classroom Building in the Middle".

Mr. Lee moved, seconded by Mr. Walker, to accept the recommendation of the Building & Grounds Committee to rebate up to \$12,000 for the building fees for the "Classroom Building in the Middle".

Mr. Walker explained that the original motion from Buildings & Grounds was to "waive" the fees, but he felt that waiving fees indicated there were no fees to begin with. He said that rebating indicated that the contractors went through the process to obtain permits and pay the fees.

Mr. Lee agreed that the original motion in Committee was to waive the building fees, but was amended to "rebate " the building fees up to \$12,000. He said the initial request was for \$10,000, but it was increased to \$12,000 because it was felt that \$10,000 would be

adequate. He asked Mr. Bill Myers, Building Official, to discuss the adequacy of the amount requested.

Mr. Myers stated the building permit fee was not included in the bid, and Miller Brothers, the contractor, paid \$9,136 for the building permit in order to begin work. He said he had not received the trades applications, but estimated it would cost \$100,000 for electrical, \$100,000 for plumbing, and \$100,000 for mechanical; and would result in approximately \$10,500 in addition to the \$9,135 for the building permit.

Mr. Chase questioned whether rebating fees would add to the profit of the builder and asked whether the fees had been included in the estimate to build the school. Mr. Myers replied that the contractors did not believe they would be charged any fees and had not included them in their proposal; but, they had been required to pay the fee and were requesting the fees be rebated.

Mr. Walker asked Mr. Myers to explain how the process worked. He was concerned that without paying for a building permit, a contractor could call for numerous building inspections, without being charged a penalty.

Mr. Myers explained that the process entailed the original submission of a plan, a review by his staff, and the calculation of fees. He noted that amendments were frequently made in original plans, which would generate additional fees. He indicated that the cost of the construction/renovation at Floyd T. Binns was \$13.1 million, including amendments, etc., and the fees were \$53,000. He said this example could be used to calculate the fees on the Building in the Middle.

Mr. Chase expressed concern that the bids had not included fees.

Mr. Nixon stated he would support the motion because he felt it was appropriate, but he was concerned that the project was bid without consideration of tap fees, building fees, or other fees. He said there was no guarantee that the local bodies would waive or rebate those fees, and it was good business sense to include the fees in the original bid, whether they were waived/rebated or not. He said he was also concerned that the contractor was already five percent over budget in dealing with the removal of the trailers and they have not broken ground as yet.

Mr. Nixon pointed out that he was involved in the review of the plans. He stated he asked on several occasions whether everything required for the building had been included, and he was assured that they did. He said he asked the same question at the December

Board meeting and was again assured that everything had been included.

Mr. Bossio stated it was his understanding, as well as that of several Board members, that these fees were originally included in the bid proposal, but several factors changed. He said the trailers were originally intended to be sold and moved off the property at no cost, but it turned out that the trailers had to be removed at a cost to the contractor.

Mr. Chase stated that when the contractor found he had to pay to remove the trailers, there should have been a change order to cover those costs. He said he was not in favor of rebating money for something that should have been in the contract.

Mrs. Hansohn suggested that the Board delay the issue until Mr. Spencer could come back and explain the details of the contract. She said she had no problem with rebating the fees, but she would like to understand the circumstances before voting.

Mr. Rosenberger agreed that it would be wise to withhold action until additional information could be provided.

Mr. Lee amended his previous motion to stipulate that the issue would be delayed for 30 days and stay at the Board level. Mr Walker agreed to the amended motion.

Mr. Coates stated that the issue of waiving fees should be reviewed seriously realizing that the Building Officials' office depends upon fees to cover its operations.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #1 for details of meeting.

#### **RULES COMMITTEE REPORT - FEBRUARY 8, 2005**

Mr. Walker reported that the Rules Committee met and discussed a resolution to establish a County policy on accepting anonymous cash or in-kind gifts. He said the Rules Committee recommended that the Board approve the proposed resolution.

Mr. Dave Maddox, County Attorney, explained that the Rules Committee had been considering for many months whether or not this Board should permit other agencies to accept anonymous funds. He said the issue had been highlighted in the recent past because the Sheriff had been accepting these kinds of gifts. He stated that during the discussions held before the Rules Committee, the Sheriff and the Commonwealth's Attorney had conflicting views on how these donations should be handled. He noted there was a delay in action by the Rules Committee because the Sheriff had requested an

Attorney General's Opinion. The Attorney General replied by letter on January 11, 2005 and rendered an opinion that helped to resolve most of the issues. He pointed out that the key provision was the determination of what was anonymous or not anonymous, and what should the government do about it, and that determination was now placed on the party making the anonymous gift. He said the burden was no longer on the County to try to protect anonymous donors, but the donor would provide whatever protection he/she might need by going through a third party, such as a lawyer or bank, to remit the actual money to the County.

Mr. Walker stated that everyone should be aware that this resolution complied with the Attorney General's Opinion. Mr. Maddox agreed that the resolution was consistent with the Attorney General's Opinion.

Mr. Walker moved, seconded by Mr. Nixon, to approve the resolution as recommended by the Rules Committee.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker asked for input from Board members on the Rules Committee's discussion regarding consolidation of Countywide financial services. He said these issues would become critical during budget discussions.

See Attachment #2 for details of meeting.

**TOWN/COUNTY/SCHOOL BOARD INTERACTION COMMITTEE REPORT - FEBRUARY 9, 2005**

Mr. Bossio informed the Board that the Town/County/School Interaction Committee met and there were several action items to bring forward. He said that the Committee discussed vehicle maintenance consolidation and a motion was passed to bring to each respective body the request to consolidate the vehicle maintenance operations of the Town, County, Schools and Human Services.

Mr. Nixon stated that the consensus of the Board to move forward should be adequate.

Mr. Coates asked whether there were any objections to the County Administrator's continuing to pursue this issue. There were none.

Mr. Bossio stated that the Committee also discussed the report prepared by Tyler St. Clair on BOS/School Board/Town Council communications. He said the Committee passed a motion to bring forward to the respective bodies that the Communications Committee would like to continue discussions on how to improve communications among the Boards using Tyler St. Clair's report as a guide and Mr. Beard as the moderator. He said that Mr. Beard agreed to serve as moderator only if there were a unanimous vote by each board for him to serve in that capacity. He noted that several Board and Town Council members had been polled, and the School Board would discuss this on March 7.

Mr. Bossio stated the Committee passed a second motion that the County and Town would nominate one elected official to work with Mr. Beard to establish the ground rules.

Mr. Walker moved, seconded by Mr. Nixon, to accept both recommendations of the Town/County/School Board Interaction Committee, which were to appoint Mr. Beard as the moderator for future discussions on improving communications and the Board would appoint a member of the Board to assist in developing ground rules.

Mr. Nixon asked whether it was true that Mr. Beard had not yet been accepted by all parties. Mr. Bossio replied that he had not heard any objections in his informal poll.

Ms. Jennifer McCauley, a Member of the School Board, who was in the audience, informed the Board that from informal discussions with School Board members, there had been one objection, but no formal vote had been taken.

Mr. Walker mentioned a letter from Dr. Cox regarding the concern that Mr. Beard would not be able to fully participate, but Mr. Beard, in accepting the position, understood his participation would be limited. Mr. Bossio stated this would be a topic of discussion at the School Board meeting.

Mr. Walker suggested that the Board move forward with the concept until the School Board officially accepted or objected.

Mr. Lee asked that the motion be restated.

Mr. Walker stated his motion was to move forward with the recommendation of the Town/County/School Board Interaction Committee to appoint Mr. Beard as moderator of the continued discussions and to include the appointment of an elected County representative to establish ground rules.

Mr. Lee expressed his concern that two bodies were agreeing to a three-party situation.

Mrs. Hansohn pointed out the problems in trying to schedule meetings with three parties involved, and she suggested moving forward with the motion.

Mr. Coates agreed that there were no objections to Mr. Beard's being the moderator, but he understood the School Board's position.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #3 for details of meeting.

#### **E-9-1-1 BOARD OF DIRECTORS REPORT - FEBRUARY 17, 2005**

Mrs. Hansohn reported that the E-9-1-1 Board of Directors met on February 17, but there were no action items.

See Attachment #4 for details of meeting.

#### **PORTRAIT COMMITTEE REPORT - FEBRUARY 22, 2005**

Mr. Bossio reported that the Portrait Committee met and there were no action items. He said the Judges suggested some changes to the order in which the portraits were being restored by Alexandra Tice, Painting Conservator, as well as bylines for the photographs of the portraits to be placed on a website.

Mr. Coates noted that some of the portraits had been returned and suggested anyone visiting the Courthouse should view them. Mr. Bossio agreed that the photographs provided of the portraits indicated the new representations were excellent.

#### **AD HOC ANIMAL SHELTER ADVISORY COMMITTEE REPORT - FEBRUARY 22, 2005**

Mr. Chase reported that the Ad Hoc Animal Shelter Advisory Committee met and discussed emergency care for sick or injured animals and routine health care. He said that Drs. Harry Buchard and Meredith Vargas were present to discuss the role of the veterinarian and various problems, but the emergency situation had not been resolved. He said there were no action items.

See Attachment #5 for details of meeting.

#### **TOWN/COUNTY INTERACTION COMMITTEE REPORT - FEBRUARY 23, 2005**

Mr. Chase reported that the Town/County Interaction Committee met on February 23, and asked Mr. Bossio for his comments. Mr. Bossio stated there were no action items to bring forward, but the Committee received updates on affordable housing and the E-9-1-1 budget, and discussed commuter transit.

See Attachment #6 for details of meeting.

### **ECONOMIC DEVELOPMENT REPORT**

Mr. Carl Sachs, Economic Development Director, provided the following information:

1. A reevaluating process is underway on the County's industrial land with the focus on sites that have the greatest potential for development in terms of location and access to utilities. Also, plans are underway to develop a dialogue with private property owners that could potentially lead to private-public partnerships on the development of selected industrial sites.
2. A comprehensive data base of information is being developed cooperatively by the Chamber of Commerce, Tourism Department, CRI, and the Department of Economic Development, with support from the Town and County Planning Departments to ensure that all parties are using the same population projections, etc. This will be an excellent marketing tool.
3. The Rappahannock-Rapidan Regional Commission has received a \$25,000 grant from the Virginia Department of Rail and Public Transportation to conduct a feasibility study on providing public rail or bus service from Fauquier County to Culpeper and Orange, and ultimately to Charlottesville. A meeting with representatives of the Potomac Rappahannock Transportation Commission and VRE is scheduled for March 16 at 1:00 p.m., and interested Board members are invited to attend.
4. A Business Appreciation Mixer will be held in conjunction with the State's Business Appreciation Week on May 18 at the Culpeper Country Club, and sponsors are being sought for the event.
5. The Farm Tour Committee has begun work on the 2005 Farm Tour scheduled for October 1 and 2, and both traditional farming locations and specialized farming locations will be included.

### **AIRPORT ADVISORY COMMITTEE REPORT - FEBRUARY 9, 2005**

Mr. Bossio reported that the Airport Advisory Committee met and there were no action items to be forwarded for Board action.

### **ADMINISTRATOR'S REPORT**

Mr. Bossio reported that Mrs. Lamb, Finance Director, will distribute the Proposed Budget Workbooks today to Board members.

### **CLOSED SESSION**



Mr. Nixon moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) An appointment to the Culpeper County Library Board to represent the East Fairfax District; (B) Readvertisement for appointment to the Rappahannock Rapidan Community Services Board; (C) An appointment to the Culpeper Recreation Foundation, Inc.; (D) To discuss with Staff and County Attorney the evaluation of performance of a specific department of the County, where such evaluation will necessarily involve discussion of the performance of specific individuals; and (E) To discuss with Staff and County Attorney the evaluation of performance of specific employees of the County, where such evaluation will necessarily involve discussion of the performance of specific individuals.
2. Under *Virginia Code* §2.2-3711(A)(10), for consideration of potential nominees for the "Culpeper Colonel" award.
3. Under *Virginia Code* §2.2-3711(A)(7), for consultation with legal counsel and Staff pertaining to actual litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the County.

Seconded by Mr. Walker.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay – Chase

Motion carried 6 to 1.

Mr. Coates recessed the meeting for a lunch break at 12:15 p.m.

The Board reconvened at 1:45 p.m. and entered into closed session.

The Board returned to open session at 2:26 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show Mr. Chase was not present for the Closed Session.

Ayes – Walker, Lee, Coates, Nixon, Rosenberger, Hansohn

**RE: APPOINTMENT TO LIBRARY BOARD**

Mr. Nixon moved, seconded by Mr. Walker, to appoint Deborah C. Hoffman to the Library Board to represent the East Fairfax District.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

**RE: AUTHORIZATION TO READVERTISE THE VACANCY ON THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD**

Mr. Nixon moved, seconded by Mr. Walker, to readvertise for appointment to the Rappahannock-Rapidan Community Services Board.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

**RE: APPOINTMENT TO THE RECREATION FOUNDATION, INC.**

Mr. Nixon moved, seconded by Mr. Lee, to appoint Michael Dayton to serve on the Culpeper Recreation Foundation Board.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay – Chase

Motion carried 6 to 0.

Mr. Coates recessed the meeting until 4:00 p.m.

Mr. Coates called the meeting back to order at 4:00 p.m. He explained that the Board recessed earlier and agreed to return at 4:00 p.m. for the SHW Group presentation.

Mr. Chase was not present for the 4:00 p.m. meeting.

**FEASIBILITY STUDY FOR CONSOLIDATED HIGH SCHOOL CAMPUS IN CULPEPER COUNTY, VIRGINIA**

Mr. Bossio introduced Mr. Derk Jeffrey of SHW Group, who was present to report the results of the study requested by the Board of Supervisors regarding alternate solutions to the space shortage at the County's High School.

Mr. Jeffrey thanked the Board for the opportunity to share the findings regarding the feasibility of creating a consolidated high school campus at the site of the existing Culpeper High School and Culpeper Middle School. He stated he would provide a statement on the purpose of the study, some context to the background into the study, the assumptions built into the study; a review of the existing building and site, some conceptual plans developed to leverage the space against the space requirements, costs and a time line for implementation, and the conclusions reached.

Mr. Jeffrey explained the purpose of the study was to evaluate the feasibility of combining all the square footage at the High School, the Middle School and the “Building in the Middle” against the total space requirements to educate 2,400 people. He said the two approaches used were Option I, to study the feasibility of creating two stand-alone 1,200-student high schools by renovating the current High School and Middle School; and Option II, to convert the High School and Middle School into one 2,400-student high school. He said at the present time, there were over 1,600 students in the Culpeper Middle School and Floyd T. Binns Middle School, and it was estimated that number would reach a 2400-student threshold by 2008.

Mr. Jeffrey noted there had been a great deal of discussion and confusion regarding capacity and utilization, and he would share his understanding of the definitions and how they applied to his business. He explained that “design capacity” was one of the definitions for capacity and was essentially an ideal condition in which every seat and every instructional space was filled with a body. He said this was essentially unachievable at the high school level because of the programs that were being provided in response to “No Child Left Behind” on one hand, and the course choices and variety that were provided on the other hand, to prepare a student for success at the college level or entering the work place directly from high school.

Mr. Jeffrey stated that “functional capacity” was dealt with in his business and was defined as what the school could accommodate based on information regarding programs, the students taking those programs, the number of sections per day those programs were offered, and how the school was utilized overall.

Mr. Jeffrey explained the Department of Education defined capacity in the context of “operating capacity”, which was a simple calculation for the purpose of standardizing reporting of school plants against capacity. He said, for the high school level, the number of

classrooms was counted by type and 90 percent of that total was calculated. He said the 90 percent figure acknowledged the program's diminishing effect on design capacity, and the State felt that 85 percent was a reasonable expectation in terms of space used at the high school level.

Mr. Jeffrey acknowledged the study was undertaken against the match-up of costs. He said his firm presented a cost estimate in the fall for a new high school at an estimated \$40 million to \$50 million, which would be in addition to trying to meet other needs in the system.

Mr. Jeffrey stressed that the design for a new 1500-student high school was driven by the programs and existing conditions. He said that tradeoffs and compromises would be necessary, and it was assumed that the "Building in the Middle" space would be available to use for the needs for 2,400 students and that the Career and Tech would not be duplicated and would be shared among all the students.

Mr. Jeffrey presented an aerial view of the existing High School/Middle School 87-acre site. He explained in detail the plans to improve the land surrounding the schools, such as parking lots, athletic fields, and better access for vehicles and buses.

Mr. Jeffrey explained that the total gross area of the Middle School was 175,600 square feet. He said that space accommodated 783 Middle School students and 20 classrooms, or 16,000 square feet, for high school students. The other large space components were the gym and auxiliary PE space, the Forum, the Tech Ed classrooms, and the 5,000 square-foot cafeteria, which provided a clue about the original capacity of that building. He explained that the ratio of gross area to net area was 75 percent, which was extremely high, with 65 percent being the average gross to net. He said this was partially due to the small classrooms and the various alterations. He noted that some of the rooms lacked daylight, and the infrastructure had exceeded its useful life and would require a major investment in the near future.

Mr. Jeffrey indicated that the footprint at the High School was 204,900 square feet, and enrollment was 1920, which included the students using Middle School space. The High School has a gym, but there was less athletic space in the High School than in the Middle School; an auditorium and a stage, a large tech ed space; and an 8,000 square-foot cafeteria. He noted that the cafeteria would seat 533 students, which suggested the High School was originally built for approximately 1,200 to 1,300 students. He noted that the

High School was at 77.8 percent efficiency, compared with 75 percent at the Middle School, and there was insufficient space for students to circulate, for athletic purposes, or for teacher planning. He said that there were a number of classrooms without windows, and it was actually worse than the Middle School, with the exception that the boilers had recently been replaced. He explained that utilization was defined as a percentage of time that instructional space was used for instructional purposes. He said that 100 percent utilization was based on the four-by-four period day and two semesters, or on every class being used all day, every day, all year. He indicated the instructional areas that were used all day, every day, all year. He also indicated resource spaces which would not count toward capacity. He said he felt the school was doing a decent job trying to leverage the space they had against the programs being offered.

Mr. Jeffrey explained that the “Building in the Middle” would have a total area of 24,625 square feet, with a net area of 16,000 square feet, with a 65 percent efficiency rate. He noted that classrooms were 682 square feet, compared with the State standard of 720 square feet, and it would be difficult to use this building for anything other than for classrooms or offices.

Mr. Jeffrey presented a conceptual plan for the site, which would work regardless of Option I or Option II, and explained in more detail the plans to move the buses to a central location in the back to serve the High School, Middle School and the “Building in the Middle”, as well as to provide visitor and faculty parking. The tennis courts would remain in their current location, the Drivers’ Ed lot would be removed, and parking added, with a link to the mechanical space. A play field would be captured, the parking would be reworked to make it more efficient, the competition baseball would be moved, and several areas regraded for additional playing and practice fields. The loop road encircling the “Building in the Middle” would be eliminated and pedestrian space would be provided.

Mr. Jeffrey discussed in detail the formula used to determine the amount of space needed for Option I, a 1,200-pupil high school, and Option II, one 2,400-pupil high school, and noted that the space did not double, primarily due to the required Core academic space. He stated that Option I might allow the County to postpone the capital improvements to upgrade that infrastructure, but if the money were going to be used for renovations, it might be wiser to renovate for Option II where the adequate space existed. He said it would cost approximately \$17.5 to renovate the Middle School, \$2.5 million for the

site plan, and \$40 million to renovate the campus for 2,400 students. He estimated it would cost \$84.5 million since two new middle schools would be needed to serve the current population and the renovations to be done to the aging facilities to accommodate 2,400 students at the high school level. He provided a scenario for moving students during renovations by using the “Building in the Middle” as swing space. He estimated it would be at least a three-year project and, during this period, the student population would be increasing and once again portable classrooms would be needed on that site.

Mr. Jeffrey concluded that Option I might provide the number of spaces to educate 2,400 students, but he could not recommend it because that option would compromise the programs and learning environment. He said that Option II would provide the space to serve 2,400 students, but the schools would have to be renovated and a determination made as to how to teach 2,400 students on a split campus. He felt that neither option addressed expansion at the high school level, and the implications in terms of program and size of the next school should be discussed and understood before committing to a single campus of 2,400 students. He also concluded that a new Middle School would be necessary and there would be a significant capital investment at both the Middle School and the High School, given the age and the condition of those schools.

Mr. Jeffrey estimated that \$62.5 million over the next several years would be needed to accommodate 2,400 students at the high school level, to renovate those buildings, and to provide a new middle school. He said that from experience, the most advantageous strategy to save money and derive the greatest educational benefit would be to make commitments to school size and grade-level distribution, and to use that information to figure out how these buildings can meet those kinds of commitments.

Mr. Walker inquired whether the suggested site plan changes could be done in advance in order to alleviate some of the problems that currently existed. Mr. Jeffrey replied that the changes could be done at any time, but they should be coordinated with the construction of the “Building in the Middle”.

Mr. Nixon asked whether the School personnel had seen the results of the study. Mr. Jeffrey replied that he had shared the same information with them yesterday that he had presented to County staff, but they had not seen the final presentation. Mr. Nixon stated that Board members should have received the final report in advance for review prior to the presentation. Mr. Jeffrey stated he could have provided it earlier, but he was not told it was

necessary.

Mr. Nixon pointed out that the report was late since it had been due in November. Mr. Jeffrey stated he committed to January, and he was late because of additional information he needed to obtain.

Mr. Nixon stated that he would like to have a discussion on the actual capacity of the schools. He said the current High School had a 1,525 student capacity, and 325 would be removed and placed in the "Building in the Middle", but he was hearing there would not be enough space for the remaining 1,200 students. Mr. Jeffrey replied that his calculation of 1,622 was based on Virginia Department of Education standards, but may be flawed because the State had no knowledge of local programming.

Mr. Coates asked Mr. Jeffrey whether he was satisfied with the revised traffic circulation and fire and rescue access for the site. Mr. Jeffrey stated that he was satisfied with the changes and felt that the total acreage was large enough to serve the school population. He said repaving would provide approximately 1,060 total car parking spaces, and buses would be separated from the car traffic.

Mr. Bossio asked for clarification on the capacity of the cafeteria at the Middle School. Mr. Jeffrey stated that the cafeteria's 5,000 square feet would accommodate 300 students for three lunch periods for a capacity of 900 students. He said a Department of Education study done in 1995 determined the capacity of the Middle School at 1,000 students.

Mr. Bossio commented that the County had received a study giving the Middle School's capacity at 1,325. He said applying that logic to the High School, the 8,000 square feet and with 1,200 students would yield 533 students at each sitting in its cafeteria. Mr. Jeffrey agreed. Mr. Bossio retorted that three times 533 would result in 1,599 students. Mr. Jeffrey pointed out that the cafeteria was large, but he was not sure how many serving lines or lunch periods there were in that school.

Mr. Walker asked whether capacity could be determined by cafeteria size. Mr. Jeffrey explained that capacity in a middle school was calculated differently than in a high school. The Department of Education only looked at the number of home room classrooms plus self-contained Special Ed classrooms and multiplied that total by 25 students for each of the Core academic spaces and by eight or ten for the Special Ed resource spaces, times 9 percent to determine the capacity. Consideration is not given to Art or other such

classrooms.

Mr. Walker and Mr. Jeffrey discussed the size of the classrooms and the Department of Education standards and the adequacy of the space for the number of students. Mr. Walker commented that smaller classrooms could be used by reducing the student-teacher ratio. Mr. Jeffrey stated that would be weighing small classrooms against more teachers and higher operational costs.

Mr. Bossio asked for what purpose did the Virginia Department of Education use the capacity numbers. Mr. Jeffrey replied they were used primarily for reporting and comparison purposes, as well as in conjunction with the Standards of Quality. He said that last year the average square foot per pupil in a high school was 145 square feet per pupil.

Mr. Walker inquired whether Mr. Jeffrey felt the existing High School was designed to create a crowded situation on purpose by building narrow hallways. Mr. Jeffrey replied that he did not know if that were the case, but there was always a trade-off between providing space and the cost of that space.

Mr. Bossio asked what the cost was for the site plan improvements. Mr. Jeffrey estimated it would be \$2.5 million.

Mr. Nixon expressed his concern about designing for program capacity and asked what happened when the programs changed. Mr. Jeffrey stated that capacity then would change. He said that capacity and program were linked; therefore, capacity was never a fixed number because as programs changed, so did capacity.

Mr. Nixon asked how the Board could plan to stay ahead of the curve. Mr. Jeffrey stated that the Board needed to plan for the improvements that were necessary for the school buildings. He said that functional capacity was always less than design capacity and adding programs affected capacity, but he knew of no instances where changing programs had caused capacity to increase.

Mr. Nixon stated that at some point the Board needed to have some formula or basis to determine capacity in order to make decisions today that would have an affect future years.

Mr. Walker stated that program decisions were made by the local community, but some program changes were required because of State or Federal mandates. He noted that the biggest program changes were made because of local decision making. He said the Board was struggling with the issue that program changes were not related to capacity



or the purpose for which the building was built.

Mr. Bossio stated that one of the ways to address capacity changes or programming changes would be to have walls that were moveable or reconstructable. Mr. Jeffrey agreed that would be an option to consider.

Mr. Coates thanked Mr. Jeffrey for his professionalism in presenting the results of the study and thanked those in the audience for attending.

**ADJOURNMENT**

Mrs. Hansohn moved, seconded by Mr. Nixon, to adjourn at 5:10 p.m.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion 6 to 0.

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Peggy S. Crane, CMC  
Deputy Clerk

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John F. Coates, Chairman

ATTEST:

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Frank T. Bossio  
Clerk to the Board

Approved: April 5, 2005